

NDNY/ALNY
1; 02-CV-1115
McAvey/Freese

MANDATE

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
DEC 15 2005
AT O'CLOCK
Lawrence K. Baerman, Clerk - Syracuse

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES COURT OF APPEALS
FILED
NOV 14 2005
Roseann B. MacKechnie, Clerk
SECOND CIRCUIT

NESTLE
v.
CHATTWELL

05-1169-CV
Docket No. 05-1169-CV

STIPULATION WITHDRAWING APPEAL

The undersigned hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees pursuant to Rule 42 (b) of the Federal Rules of Appellate Procedure.

Francis M. Nestle
Attorney for Appellant
Francis M. Nestle, P.C.
Kirkland, Maryland, P.C.
[Signature]
Attorney for Appellee
Jeffrey S. Shapiro, P.C.
O'Connell & Anshowitz

Dated:

SO ORDERED:

COUNSEL: Please print name and firm under signature.

FOR THE COURT
Roseann B. MacKechnie, Clerk of Court
By *Stanley A. Bass*
Stanley A. Bass, Staff Counsel

Nov. 14, 2005

A TRUE COPY
Roseann B. MacKechnie, CLERK
by *[Signature]*
DEPUTY CLERK

CERTIFIED:

NOV 15 2005